

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.983/2015
in
First Appeal No.273/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. D. S. Joshi for the Applicant

CORAM : K.K.TATED, J.
DATED : JUNE 3, 2019

P.C.

1 Heard. By this Civil Application, the Applicant Insurance Co. is seeking stay to the operation and implementation of the judgment and award dated 25.10.2013 passed by the MACT, Mumbai in MACP No.1202/2010 holding that the Respondent - claimant is entitled to sum of Rs.65,000/- by way of compensation with interest @ 7.5% p.a. from the date of Application till its realization.

2 The learned counsel for the Applicant submits that they are ready and willing to deposit the entire awarded amount in the Tribunal within four weeks from today. The statement is accepted. He submits that in

the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award. He submits that if stay is not granted, irreparable loss will be caused to them.

3 Considering the submissions made by the learned counsel for the Applicant and as the Applicant is ready and willing to deposit the entire awarded amount in the Tribunal within four weeks from today, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, the following order is passed:

a) The Civil Application is allowed in terms of prayer clause (a) which is reproduced below, subject to the Applicant depositing the entire awarded amount in the Tribunal within four weeks from today, failing which the Civil Application stands dismissed without further reference to the court.

“(a) Pending the hearing and final disposal of the appeal, this Hon'ble Court by an order of stay, may kindly

stay the operation, implementation and execution of the impugned judgment and award dated 25.10.2013 passed by the MACT, Mumbai in MACP No.1202/2010."

b) If the amount is deposited as stated hereinabove, the Tribunal is directed to invest the same in a fixed deposit of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

c) Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)